

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ADAM IRA ASHER,

Plaintiff,

v.

PIERCE COUNTY JAIL, *et al.*,

Defendants.

Case No. C07-5235 RBL/K/S

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on Plaintiff's application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On May 10, 2007, the Clerk received Plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. # 1). On May 15, 2007, the Clerk sent a letter to Plaintiff, informing Plaintiff that he must either pay the court filing fee or submit a proper application to proceed *in forma pauperis* on or before June 14, 2007, or this matter could be subject to dismissal. (Dkt. # 2).

Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal,

1 obtained from the appropriate official of each prison at which the prisoner is or was
2 confined.

3 Plaintiff was required to submit a statement showing the balance and activity of his account for the
4 six-month period immediately preceding the filing of his complaint. Plaintiff has not done so.

5 In addition, pursuant to 28 U.S.C. § 1915(b), a prisoner seeking to proceed *in forma pauperis* is
6 required to submit a written acknowledgment and authorization form, authorizing the agency having
7 custody over him to collect from his prison trust account an initial partial filing fee and subsequent monthly
8 payments until the full filing fee is paid. Plaintiff has not submitted the acknowledgment and authorization
9 form approved for use by this court.

10 Local Rule CR 3(b) also provides in relevant part:

11 At the time application is made under 28 U.S.C. § 1915 or other
12 applicable acts of Congress, for leave to commence any civil action or to file any
13 petition or motion without being required to prepay fees and costs or give security
14 for them, each petitioner, movant or plaintiff shall:

15 (1) Complete the in forma pauperis affidavit approved for use in this
16 district; and

17 (2) File a written consent that the recovery, if any, in the action, to such
18 amount as the court may direct, shall be paid to the clerk who may pay therefrom
19 all unpaid fees and costs taxed against the plaintiff, and to his attorney the amount
20 which the court allows or approves as compensation for the attorney's services.

21 Plaintiff did not submit the written consent required by Local Rule CR 3(b)(2).

22 Accordingly, the Court **ORDERS** the following:

- 23 (1) Plaintiff shall seek to cure the above deficiencies by paying the full \$350.00 court filing fee
24 or filing a proper application to proceed *in forma pauperis* **no later than July 31, 2007**, by
25 filing with his application, a copy of his prison trust account statement pursuant to 28
26 U.S.C. § 1915(a)(2) showing the balance and activity of his account(s) for the six-month
27 period immediately preceding the filing of his complaint, a copy of the acknowledgment and
28 authorization form pursuant to 28 U.S.C. § 1915(b), and a copy of the written consent
required by Local Rule CR 3(b). **Failure to cure these deficiencies by the above date
shall be deemed a failure to properly prosecute this matter and the Court will
recommend dismissal of this matter.**

1 (2) The Clerk is directed to send a copy of this Order to Plaintiff.
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3 DATED this 21st day of June, 2007.
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7 Karen L. Strombom
8 United States Magistrate Judge
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